

# EU Monitoring Report

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1–8 October 2020

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# Chemicals

## ➤ REACH

- New restriction intentions: bisphenol A and similar bisphenols, and PFAS in firefighting foams

Source: [European Chemicals Agency](#)

Germany has submitted an intention to restrict the placing on the market and use of [4,4'-isopropylidenediphenol](#) (bisphenol A; EC 201-245-8, CAS 80-05-7) and 'structurally related bisphenols of similar concern for the environment'.

ECHA has submitted an intention to restrict the use of [per- and polyfluoroalkyl substances \(PFAS\) in firefighting foams](#).

Both intentions were submitted on 1 October 2020 and the restriction proposals are expected on 1 October 2021.

- Webinar: Restriction of per- and polyfluoroalkyl substances (PFAS) under REACH

Source: [European Chemicals Agency](#)

Germany, the Netherlands, Norway, Sweden and Denmark [are working on a REACH restriction proposal](#) to limit the risks to the environment and human health from the manufacture and use of all per- and polyfluoroalkyl substances (PFAS). A call for evidence was held during the summer of 2020.

Join the webinar to learn about the REACH restriction process and status of the proposed PFAS restriction.

The webinar will be published on our home page on 29 October at 13:30 CET, GMT +1 together with instructions for joining a live Q&A session where experts from the 5 Member States will be answering your questions until 15:30.

- Registry of restriction intentions until outcome

Source: [European Chemicals Agency](#)

The registry of restriction intentions until outcome lists the intentions and Annex XV restriction proposals received by ECHA.

A restriction proposal may be prepared by a Member State or by ECHA at the request of the Commission or on its own initiative for substances in the Authorisation List. It is a legal requirement for a Member State to notify ECHA of its intention to prepare a restriction dossier. The advance notice enables interested parties to plan and prepare for commenting later on.

Interested parties can follow the progress of a proposal through the restriction process, from the notification of the intention to the adoption of the final opinions by the Committee for Risk Assessment (RAC) and the Committee for Socio-economic Analysis (SEAC), and the adoption of the restriction by the European Commission.

Stakeholders are encouraged to submit any relevant information to the dossier submitters during the preparation of the restriction proposal and during the public consultations. Information to motivate any exemptions to the scope described in the intention is particularly useful to receive in the preparatory phase of the dossier.

Updates have been submitted this week for:

- [Per- and polyfluoroalkyl substances \(PFAS\)](#)
- [4,4'-isopropylidenediphenol](#)
- [undecafluorohexanoic acid \(PFHxA\), its salts and related substances](#)
- Consolidated text: Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances

Source: [European Commission](#)

The document mentions Sodium hypochlorite.

- 36th Meeting of the CAs for the REACH and CLP Regulations (CARACAL)

Source: [European Commission](#)

The meeting concerned CLP Delegated Acts and took place on 28 September 2020 from 14:00 to 16:30. The agenda and the draft summary record of CARACAL-35 were adopted. COM informed CARACAL that no comments were received following the publication of the TBT notification on the WTO site on 21 July 2020. It further announced that translations would become available during the following days, of which MSCAs would be notified and asked to provide linguistic comments with a deadline of 2 weeks. The discussion at Caracal-35 would be the last one on this ATP; other discussions had already taken place before.

- REACH Requirements for polymer registration under REACH should include consideration of polymers' contribution to micro- and nanoplastics burden in the environment

Source: [European Commission](#)

Contamination of our environment by micro/nanoplastics is constantly increasing and a growing body of evidence has started shedding light on the diverse harmful effects which could be caused by micro/nanoplastics exposure in living organisms, including people. Despite the growing awareness that failure to address this problem might have catastrophic consequences for environmental and human health, both the industry initiatives and regulatory actions that have been initiated in the EU so far have not yet provided any viable solutions to this problem.

We suggest that a polymer's contribution to micro/nanoplastics burden should be addressed by a dedicated criterion when identifying polymers requiring registration, and that data necessary to estimate such contribution should be requested to be routinely submitted as part of a polymer's (pre)-registration package.

➤ **Biocides**

- Note for agreement with member states' competent authorities for biocidal products

Source: [European Commission](#)

A disagreement point on the legal status of a consortium as authorisation holder was raised recently by a Member State in the context of a mutual recognition procedure for the authorisation of a biocidal product. The draft note can be found [here](#).

The purpose of this note is to provide clarity to Member States on the legal status of consortium as authorisation holders. More specifically this document aims to provide answer to the following questions:

- Shall the consortium be a legal entity in order to be an authorisation holder?
- Who shall be the beneficiary of the letter of access provided by the applicant- the consortium, the member-companies that will place products on the market or both?

- Note for agreement with member states' competent authorities for biocidal products

Source: [European Commission](#)

This document is drafted in the interest of consistency of the implementation of Regulation (EU) No 528/2012. Please note, however, it does not represent the official position of the Commission and that Member States are not legally obliged to follow the approach set out in this document, since only the Court of Justice of the European Union can give authoritative interpretations on the contents of Union law.

The majority of the MSs are of the opinion, that the exact concentration of a Substance of Concern (SoC) should be indicated in the SPC, and that confidentiality claims from industry on the exact concentration confidential should be rejected. However, some MSs have expressed doubts on whether confidentiality can be claimed by applicants.

- **Relevant Renewal Data under Article 95**

Source: [European Commission](#)

This document examines the obligation under the Biocidal Products Regulation which requires concerned parties to provide 'relevant data' to the Agency within a defined time-period following the renewal of the approval of an active substance. The document clarifies what should qualify as 'relevant data', and it examines (and provides insights into) the overall operation of the Article 95(7) process. In doing so, it seeks to obtain clarity on this topic.

- **Article 95 update on Active chlorine released from hypochlorous acid**

Source: [European Chemicals Agency](#)

ECHA is responsible for the publication of the list of relevant substances and the respective substance and product suppliers, in accordance with Article 95 of the Biocidal Products Regulation (BPR). The purpose of this list is to "ensure the equal treatment of persons placing active substances on the market" .

The suppliers on the Article 95 list include participants in the Review Programme, supporters of new active substances, who have submitted a dossier under the Biocidal Products Directive, submitters of product authorisation applications where the application includes an alternative active substance dossier (the so called 'third party dossier'), as well as suppliers who submitted an application and which has been found compliant by ECHA.

There is a new entry this week for Sterilius GmbH, for product types 1 to 5 concerning the substance Active chlorine released from hypochlorous acid (Redefined from Active Chlorine: manufactured by the reaction of hypochlorous acid and sodium hypochlorite produced in situ).

## ➤ **CLP**

- **Draft legal act amending CLP Regulation published**

Source: [European Commission](#)

The document mentions boric acid and citric acid. The annex can be downloaded [here](#).

- **Annexes 2 and 3 of the Ordinance on Protection against Dangerous Substances and Preparations**

Source: [ChemyCal](#)

The technical regulations for the classification, labelling and packaging of substances and preparations will be updated and thus adapted to technical progress in the EU (15th ATP of the EU CLP Regulation; binding from 1 March 2022). This draft revision updates the list of harmonized classifications: - inclusion of 37 substances; - amendment of 21 existing entries; - deletion of two entries. The latest developments in test methods for substances and preparations (OECD) are adopted. The requirements for the safety data sheet are adapted to the development of the UN-GHS and in the EU. Eight substances are included in the candidate list of substance of very high concern. This listing triggers information obligations along the supply chain.

### ➤ **Endocrine Disruptors**

- **Draft agenda of 3rd Meeting of REACH and CLP Competent Authorities Sub-Group on Endocrine Disruptors**

Source: [European Commission](#)

The meeting takes place on 19 October 2020 from 9:30 to 12:30. The agenda contains the following items:

- Update on the action on the inclusion of criteria for endocrine disruption in the CLP Regulation
  - Update of the REACH Annexes in relation to endocrine disruption properties
  - Continuation on the update of the REACH Annexes in relation to endocrine disruption properties
- **CEFIC comments on CARACAL paper CA-56-2019 V3, endocrine disruptors**

Source: [European Commission](#)

Cefic, the European Chemical Industry Council welcomes the discussion on addressing endocrine disruption (ED) criteria however, we would like to emphasise that a thorough and systematic analysis of advantages and disadvantages of all possible options to introduce horizontal identification criteria for EDs (including under REACH) together with impact

assessment has not yet taken place. We believe the first step should be agreeing on the list of policy options at a CARACAL level, after which the analysis of the potential benefits and expected impacts of each option should be transparently assessed and presented (to CASG-ED or CARACAL).

If the Commission and Member States decide to follow the classification route via CLP, then first the discussion should be taken at UN GHS, in order to ensure a globally harmonised approach. The existing hazard classes are building blocks from the GHS, which must be taken over as such and should not be modified. Additionally, we understand that it may be necessary to improve and update existing hazard classes for environmental toxicity assessment (e.g. amphibians/terrestrial species). Any such update should be done at GHS level first. The current Commission paper emphasises lack of coherence with GHS as a downside for some CLP Option 1, but not for Option 2. We view this as a significant downside of all options that include updates to CLP in the absence of prior alignment at GHS level. Cefic supports separate ED criteria for human health and environment, as already included and practised under REACH, BPR and PPPR.

### ➤ Waste

- Scip obligations to go ahead as planned, Commission and Echa confirm

Source: [ChemicalWatch](#)

The European Commission and Echa have confirmed that notification obligations under Echa's substances of concern in products (SCIP) database will go ahead as planned, despite industry groups calling on the Commission president last week to delay the requirements.

The Commission did not confirm President Ursula von der Leyen's receipt or consideration of the requests laid out in the letter sent by 40 EU industry associations. The letter calls on the president to take "urgent political action", apply a 12-month delay of the requirements and carry out a study into the "usefulness, feasibility, proportionality and impact" of the database.

## ➤ Exports

- Problematic substances in products from foreign online stores

Source: [Danish EPA](#)

You risk being exposed to substances that are harmful to health and the environment, such as lead, cadmium, phthalates and chlorinated paraffins, when you shop in foreign online stores. This is shown by a new sample survey from the Danish Environmental Protection Agency.

## ➤ Industry

- Cefic/ICCA Chemical Convention

Source: [Cefic](#)

Cefic is organizing its yearly Chemical Convention on 13-16 October 2020. Restricted to all Cefic and ICCA members, the fully online programme will bring together industry decision makers and stakeholders to debate the most important challenges and opportunities for the chemical industry. Attendance is on invitation only. The programme of digital dialogues will address:

- the potential of climate-friendly hydrogen
  - the impact of EU sustainable finance
  - the consequences of Brexit on EU/UK chemicals trade
  - the Chemicals Strategy for Sustainability
  - chemical recycling and the future of oil
- Toxic Additives in Plastics: Hidden Hazards Linked to Common Plastic Products | Regional Activity Centre for Sustainable Consumption and Production

Source: [CPRAC](#)

Toxic chemicals of concern that are widespread in common plastic products can hinder the momentum for a circular economy. A new report, coordinated by the Barcelona-based Regional Activity Centre for Sustainable Consumption and Production (SCP/RAC), serving both the Stockholm Convention and the Barcelona Convention, has been produced in collaboration with the International Pollutants Elimination Network (IPEN) in order to shine

a light on extensive evidence of toxic chemical components in plastics that can harm human and environmental health and impede a safe circular economy.

Specific examples of toxic substances studied for potential release from various plastic products include brominated flame retardants (BFRs), [SCCPs/MCCPs](#), [phthalates](#), [bisphenol-A](#), [bisphenol-A](#), dimethacrylate, [lead](#), [tin](#) and [cadmium formaldehyde](#) and [acetaldehyde](#), [4-nonylphenol](#), methyl tert-butyl ether ([tMTBE](#)), [benzene](#) and many other volatile organic compounds. Although several of these studies report released concentrations that are lower than the established legal limit values, there are also occasions where they are considerably higher. It has also been highlighted that the guideline values do not take into account of the low levels at which endocrine-disrupting chemicals may be in effect nor do they consider the toxicity of mixtures.

- **EU Action Plan Towards a Zero Pollution Ambition for air, water and soil | Consultation Period 01 October 2020 - 29 October 2020**

Source: [European Commission](#)

To secure clean air, water and soil, healthy ecosystems and a healthy living environment for Europeans, the EU needs to better prevent, remedy, monitor and report on pollution, mainstream the zero pollution ambition into all its policy developments and decouple economic growth from the increase of pollution, in line with United Nations driven efforts.

- **Commission outlines road to Zero Pollution Action Plan**

Source: [European Commission](#)

Today the European Commission launched the [roadmap](#) on an EU Action Plan “Towards a Zero Pollution Ambition for air, water and soil – building a Healthier Planet for Healthier People”. As a key pillar of the [European Green Deal](#), the Zero Pollution Ambition goes hand in hand with all Green Deal objectives and will build on initiatives in the field of energy, industry, mobility, agriculture, biodiversity, and in particular climate. The roadmap outlines EU plans to achieve zero pollution by better preventing, remedying, monitoring and reporting on pollution.

- **Toxic shock: health officials block progress on chemical safety**

Source: [EEB](#)

1 October 2020, Brussels – Health officials in Brussels are blocking progress on the biggest upgrade of EU chemical safety laws in a decade, according to a leaked internal document.

The EU is planning to strengthen its chemical safety controls to rapidly eliminate large numbers of harmful substances found today in consumer and commercial products. A strategy will be announced on 14 October. Pollution is the largest environmental cause of disease and death in the world today, says the [Lancet](#).

A leaked European Commission document shows health officials frequently expressing commercial concerns and arguing to maintain slow and narrow chemical controls, according to press reports in [France \(two\)](#) and [Germany](#).

EEB chemicals policy manager Tatiana Santos said: “It is a mystery why health officials are fighting rather than welcoming this golden opportunity to reduce chronic and widespread illnesses linked to daily exposure to toxic chemicals. The EU’s toxic-free environment strategy could do so much to reduce the number of people brought low by harrowing diseases like cancer. Without it, it is hard to see how the Commission achieves its [Beating Cancer Plan](#), among other public health goals.”

- **Sound management of chemicals and waste a prerequisite for turning the tide on biodiversity loss**

Source: [BRSMEAS](#)

Joint press release from the BRS and Minamata convention secretariats on the occasion of the UN Summit on Biodiversity.

Geneva, Switzerland; 30 September 2020 - All eyes are on biodiversity today, as the UN Summit on Biodiversity brings together the international community in the name of stemming the tide of biodiversity loss worldwide. With biodiversity loss occurring at an unprecedented rate, we are called upon to recognise not only our common global duty to halt the destruction of our natural world, but also to act where we are, and where we can, to safeguard and restore the life-supporting functions of our Planet.

- Consolidated text | Regulation (EU) 2019/1021 on persistent organic pollutants (recast)

Source: [European Commission](#)

Taking into account, in particular, the precautionary principle, the objective of this Regulation is to protect human health and the environment from POPs by prohibiting, phasing out as soon as possible, or restricting the manufacturing, placing on the market and use of substances subject to the Stockholm Convention on Persistent Organic Pollutants, hereinafter 'the Convention', or the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants, hereinafter 'the Protocol', by minimising, with a view to eliminating where feasible as soon as possible, releases of such substances, and by establishing provisions regarding waste consisting of, containing or contaminated by any of those substances.

## SUSTAINABILITY

### ➤ **Plastics**

- UN convention chief calls for substitution of toxic plastic additives

Source: [ChemicalWatch](#)

A top UN chemicals official has called for transparency on additives used in plastics and for industry to boost efforts to substitute toxic chemicals, following the publication of a report detailing the problem they pose to plastics recycling.

Rolph Payet, executive secretary of the secretariat for the UN's Basel, Rotterdam and Stockholm Conventions, said that it is "challenging for countries to manage [persistent organic pollutants] POPs and other hazardous chemicals added to plastics" when they are thrown away.

## ➤ Sustainable chemicals

- This is how to define sustainable chemicals

Source: [ChemSec](#)

Sustainability has to go down as one of the most unclear terms of the 21st century. There's no real agreement for what it actually means, yet it's thrown around everywhere and slapped on every product being made these days. So, a definition is needed. But when creating this definition, we need to be very cautious. Why? Well, because it can potentially have huge implications.

- Conference on Sustainable Chemical Conversion in Industry 2020

Source: [German presidency of the Council of the EU](#)

As an industrialised country, Germany has a special responsibility to actively contribute towards the Paris Climate Agreement without compromising its competitiveness. The defossilisation and modernisation of energy-intensive industries plays a key role in this process. Funded by the Federal Ministry of Education and Research, the Carbon2Chem® collaborative project has been working on using harmful CO<sub>2</sub> from industrial manufacturing as a raw material for the chemicals industry since 2016. By connecting different sectors and using renewable sources of energy, CO<sub>2</sub> can be turned into a valuable resource for the ecofriendly production of synthetic fuels or basic chemicals. Carbon2Chem® aims to sustainably utilise around 20 million tonnes of CO<sub>2</sub> emitted from industrial processes by 2030. The third Carbon2Chem® conference will provide information about the goals that have already been achieved and highlight the challenges of implementing innovative approaches.

## ➤ Energy

- Energy Efficient Technologies for Building Envelopes Workshop

Source: [European Commission](#)

According to the Energy Performance of Building Directive (EPBD), all newly planned buildings shall be “nearly zero-energy” buildings by December 2020. Furthermore, long term

renovation strategies for existing buildings are needed to ensure a low and zero-emission building stock all over Europe by 2050.

Nanotechnology offers Energy Saving Solutions for Buildings such as Smart Windows, Solar Energy Harvesting, Active Energy Storage or Super Insulative Elements and can therefore be an important part to achieve this mission.

We welcome you to a colorful technical workshop to see the latest trends and discuss about most promising technologies for the Energy Efficient Buildings of the future!

- **Energy efficiency – updated EU rules on energy labelling**

*Source: [European Commission](#)*

EU ecodesign and energy labelling rules aim to make appliances more energy-efficient and help the EU become climate-neutral. This initiative will amend several pieces of legislation in this field to correct minor technical issues.

- **Energy efficiency – updated EU rules on ecodesign and energy labelling**

*Source: [European Commission](#)*

EU ecodesign and energy labelling rules aim to make appliances more energy-efficient and help the EU become climate-neutral. This initiative will amend several pieces of legislation in this field to correct minor technical issues.

- **EU Climate Law: MEPs want to increase 2030 emissions reduction target to 60%**

*Source: [European Parliament](#)*

All member states must become climate neutral by 2050, says Parliament in a vote on the EU climate law, calling for ambitious 2030 and 2040 emissions reduction targets.

On Wednesday, Parliament adopted its negotiating mandate on the EU climate law with 392 votes for, 161 against and 142 abstentions. The new law aims to transform political promises that the EU will become climate neutral by 2050 into a binding obligation and to give European citizens and businesses the legal certainty and predictability they need to plan for the transformation.

MEPs insist that both the EU and all member states individually must become climate-neutral by 2050 and that thereafter the EU shall achieve “negative emissions”. They also call for sufficient financing to achieve this.

The Commission must propose by 31 May 2023, through the ordinary decision-making procedure, a trajectory at EU level on how to reach carbon neutrality by 2050, say MEPs. It must take into account the total remaining EU greenhouse gas (GHG) emissions until 2050 to limit the increase in temperature in accordance with the Paris Agreement. The trajectory shall be reviewed after each stocktake at global level.